

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KAAZIM A. COOPER,

Plaintiff,

-against-

OSI INVESTIGATOR FRANK BRYANT;
JOHN DOE OSI INVESTIGATOR
(NYDOCCS),

Defendants.

24-CV-6082 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983, regarding the alleged seizure of his property. He names as Defendants Frank Bryant, an investigator with New York State Department of Corrections and Community Supervision’s Office of Special Investigations (“OSI”), and a John Doe OSI investigator. Plaintiff did not pay the fees to initiate this action or request that the fees be waived. The Court dismisses the complaint for the following reasons.

Plaintiff submitted to this court a substantially similar complaint against Bryant and the Doe investigator regarding the same set of facts alleged in this action. That action is presently pending before the Court. *See Cooper v. Swern*, No. 24-CV-6702 (LTS).¹ On September 7, 2024, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”) in the 24-CV-6702 action; in this action, Plaintiff did not submit an IFP application.

As this complaint raises the same claims as the complaint in the 24-CV-6702 action, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff’s pending case under docket number 24-CV-6702.

¹ Plaintiff named additional defendants in the 24-CV-6702 action.

CONCLUSION

Plaintiff's complaint is dismissed as duplicative of *Cooper v. Swern*, No. 24-CV-6702 (LTS).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

See Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk to enter judgment in this action.

SO ORDERED.

Dated: October 17, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge